

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION**

MICHAEL LAPHAM,

Plaintiff,

v.

Case No. 5:19-cv-579-Oc-34PRL

FLORIDA FISH AND WILDLIFE  
CONSERVATION COMMISSION and  
SOUTHWEST FLORIDA WATER  
MANAGEMENT DISTRICT,

Defendants.

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**ORDER**

**THIS CAUSE** is before the Court on the Report & Recommendation (Dkt. No. 35; Report) entered by the Honorable Philip R. Lammens, United States Magistrate Judge, on August 21, 2020. In the Report, Judge Lammens recommends that Defendant Southwest Florida Water Management District's (SWFMD) Motion to Dismiss (Dkt. No. 25) and Defendant Florida Fish and Wildlife Conservation Commission's (FWC) Motion to Dismiss (Dkt. No. 26) both be denied. See Report at 13. To date, no objections to the Report have been filed, and the time for doing so has passed.

The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b). If no specific objections to findings of facts are filed, the district court is not required to conduct a de novo review of those findings. See Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11<sup>th</sup> Cir. 1993); see also 28 U.S.C. § 636(b)(1). However, the district court must review legal conclusions de novo. See Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11<sup>th</sup> Cir. 1994);

United States v. Rice, No. 2:07-mc-8-FtM-29SPC, 2007 WL 1428615, at \* 1 (M.D. Fla. May 14, 2007).

Upon independent review of the file and for the reasons stated in the Magistrate Judge's Report, the Court will accept and adopt the legal and factual conclusions recommended by the Magistrate Judge. Accordingly, it is hereby

**ORDERED:**

1. The Report & Recommendation (Dkt. No. 35) is **ADOPTED** as the opinion of the Court.
2. Defendant Southwest Florida Water Management District's Motion to Dismiss (Dkt. No. 25) is **DENIED**.
3. Defendant Florida Fish and Wildlife Conservation Commission's Motion to Dismiss (Dkt. No. 26) is **DENIED**.

**DONE AND ORDERED** in chambers this 25th day of September, 2020.

  
MARCIA MORALES HOWARD  
United States District Judge

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Copies to:

Counsel of Record